

SENATE FILE 237  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1101)

(As Amended and Passed by the Senate March 12, 2019)

\_\_\_\_\_ and [ = New Language by the Senate  
\* = Language Stricken by the Senate

A BILL FOR

1 An Act relating to the membership and procedures of the  
2 state judicial nominating commission and district  
3 judicial nominating commission and to the selection and  
4 qualifications of judges, associate judges, and the chief  
5 justice, and including effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

JUDICIAL NOMINATING COMMISSION MODERNIZATION

Section 1. Section 46.1, Code 2019, is amended to read as follows:

46.1 Appointment of state judicial nominating commissioners by the governor.

1. The governor shall appoint, ~~subject to confirmation by the senate, one eligible elector of each congressional district~~ eight eligible electors to the state judicial nominating commission ~~for a six-year term beginning and ending as provided in section 69.19.~~

2. The appointments made by the governor shall be staggered terms of six years each and shall be made in the month of January for terms commencing February 1 of odd-numbered years. The terms of no more than three nor less than two of the ~~members~~ commissioners shall expire within the same two-year period.

3. No more than ~~a simple majority~~ half of the ~~members~~ commissioners appointed by the governor shall be of the same gender.

4. At least half of the commissioners appointed by the governor shall be admitted to practice law in Iowa.

5. All commissioners shall be chosen without reference to political affiliation.

6. There shall be at least one commissioner appointed by the governor from each congressional district and there shall not be more than two commissioners appointed by the governor from a single congressional district unless each congressional district has at least two commissioners appointed by the governor.

7. A commissioner who has served a full six-year term on the state judicial nominating commission, whether the commissioner was appointed or elected, shall be ineligible to be appointed to a second six-year term.

8. No person may be appointed who holds an office of profit of the United States or of the state at the time of

1 appointment.

2     Sec. 2. NEW SECTION. 46.1A Appointment of state judicial  
3 nominating commissioner by supreme court.

4     1. The supreme court, by majority vote, shall appoint one  
5 eligible elector to the state judicial nominating commission.

6     2. The appointment made by the supreme court shall be for a  
7 term of six years and shall be made in the month of January for  
8 a term commencing February 1.

9     3. The commissioner shall be chosen without reference to  
10 political affiliation.

11    4. The supreme court shall give due consideration to area  
12 representation on the commission when making an appointment.

13    5. A person appointed to replace a commissioner in the  
14 middle of a term must be of the same gender as the commissioner  
15 being replaced. A person appointed to replace a commissioner  
16 upon the end of a term shall be of a different gender than the  
17 commissioner being replaced.

18    6. A commissioner who has served a full six-year term on the  
19 state judicial nominating commission, whether the commissioner  
20 was appointed or elected, shall be ineligible to be appointed  
21 to a second six-year term.

22    7. No person may be appointed who holds an office of  
23 profit of the United States or of the state at the time of  
24 appointment.

25    Sec. 3. Section 46.2, Code 2019, is amended by striking the  
26 section and inserting in lieu thereof the following:

27    46.2 Appointment of state judicial nominating commissioners  
28 by legislative leaders.

29    1. The speaker of the house, house minority leader, senate  
30 majority leader, and senate minority leader shall each appoint  
31 two eligible electors of different genders to the state  
32 judicial nominating commission.

33    2. The appointments made by the legislative leaders  
34 shall be staggered terms of six years each and shall be made  
35 in the month of January for terms commencing February 1 of

1 odd-numbered years. The terms of no more than four nor less  
2 than two of the members shall expire within the same two-year  
3 period.

4 3. At least one of the commissioners appointed by each  
5 legislative leader shall be admitted to practice law in Iowa.

6 4. All commissioners shall be chosen without reference to  
7 political affiliation.

8 5. A legislative leader shall give due consideration to area  
9 representation on the commission when making an appointment and  
10 shall not make an appointment that results in two commissioners  
11 serving from the same congressional district who were appointed  
12 by a leader of the same party in the same chamber.

13 6. An appointment made to replace a commissioner, whether in  
14 the middle of a term or upon the expiration of the term, shall  
15 be made by the person holding the same legislative leadership  
16 position that made the original appointment.

17 7. A person appointed to replace a commissioner, whether in  
18 the middle of a term or upon the expiration of the term, must be  
19 of the same gender as the commissioner being replaced.

20 8. A commissioner who has served a full six-year term on the  
21 state judicial nominating commission, whether the commissioner  
22 was appointed or elected, shall be ineligible to be appointed  
23 to a second six-year term.

24 9. No person may be appointed who holds an office of  
25 profit of the United States or of the state at the time of  
26 appointment.

27 Sec. 4. Section 46.2A, Code 2019, is amended to read as  
28 follows:

29 46.2A ~~Special appointment or election of state judicial~~  
30 ~~nominating commission members~~ commissioners.

31 1. As used in this section, "*congressional district*"  
32 means those districts established following the 2010 federal  
33 decennial census and described in chapter 40.

34 2. Notwithstanding sections 46.1 and 46.2, the terms of  
35 the appointed and elected members commissioners of the state

1 judicial nominating commission serving on ~~December 31, 2012,~~  
2 the effective date of this Act shall expire at 11:59 p.m. on  
3 that date. Notwithstanding section 69.1A, commissioners of  
4 the state judicial nominating commission serving on that date  
5 shall not hold over until the appointment of the successor  
6 commissioners under this section.

7 3. The terms of newly appointed and ~~elected members~~  
8 commissioners of the state judicial nominating commission  
9 shall commence ~~on January 1, 2013, based upon the number of~~  
10 ~~congressional districts as enacted pursuant to chapter 42 at~~  
11 12:00 a.m. on the day after the effective date of this Act.

12 4. The initial term of the ~~appointed members~~ commissioners  
13 appointed by the governor shall be as follows:

14 a. In the congressional district described as the first  
15 district, there shall be one ~~member~~ male commissioner with  
16 a term ~~of two years~~ expiring on January 31, 2021, and one  
17 ~~member~~ female commissioner with a term ~~of six years~~ expiring on  
18 January 31, 2025.

19 b. In the congressional district described as the second  
20 district, there shall be one ~~member~~ female commissioner with a  
21 term ~~of two years~~ expiring on January 31, 2021, and one ~~member~~  
22 male commissioner with a term ~~of four years~~ expiring on January  
23 31, 2023.

24 c. In the congressional district described as the third  
25 district, there shall be one ~~member~~ female commissioner with a  
26 term ~~of four years~~ expiring on January 31, 2023, and one ~~member~~  
27 male commissioner with a term ~~of six years~~ expiring on January  
28 31, 2025.

29 d. In the congressional district described as the fourth  
30 district, there shall be one ~~member~~ male commissioner with a  
31 term ~~of two years~~ expiring on January 31, 2021, and one ~~member~~  
32 female commissioner with a term ~~of four years~~ expiring on  
33 January 31, 2025.

34 5. The supreme court shall appoint one commissioner of any  
35 gender with an initial term expiring on January 31, 2021.

1 ~~5. 6.~~ The initial term of the ~~elected members~~ commissioners  
 2 appointed by the speaker of the house, the house minority  
 3 leader, the senate majority leader, and the senate minority  
 4 leader shall be as follows:

5 ~~a. In the congressional district described as the first~~  
 6 ~~district, there shall be~~ The speaker of the house shall appoint  
 7 one member male commissioner with a term of two years expiring  
 8 on January 31, 2023, and one member female commissioner with a  
 9 term of four years expiring on January 31, 2025.

10 ~~b. In the congressional district described as the second~~  
 11 ~~district, there shall be~~ The house minority leader shall  
 12 appoint one member male commissioner with a term of four  
 13 years expiring on January 31, 2023, and one member female  
 14 commissioner with a term of six years expiring on January 31,  
 15 2025.

16 ~~c. In the congressional district described as the third~~  
 17 ~~district, there shall be~~ The senate majority leader shall  
 18 appoint one member male commissioner with a term of two  
 19 years expiring on January 31, 2021, and one member female  
 20 commissioner with a term of six years expiring on January 31,  
 21 2023.

22 ~~d. In the congressional district described as the fourth~~  
 23 ~~district, there shall be~~ The senate minority leader shall  
 24 appoint one member male commissioner with a term of four  
 25 years expiring on January 31, 2021, and one member female  
 26 commissioner with a term of six years expiring on January 31,  
 27 2023.

28 ~~6. The appointed and elected members from each~~  
 29 ~~congressional district shall be gender balanced as provided in~~  
 30 ~~section 69.16A.~~

31 7. After the initial term is served pursuant to this  
 32 section, ~~the appointed members~~ new commissioners shall be  
 33 appointed to six-year terms by the governor as provided in  
 34 section 46.1, ~~and the elected members shall be elected to~~  
 35 six-year terms, by the supreme court as provided in section

1 46.1A, and by the legislative leaders as provided in section  
2 46.2.

3 8. If the state judicial nominating commission has received  
4 notice of a vacancy and has not yet submitted nominees to the  
5 governor prior to the effective date of this Act, any scheduled  
6 meeting of the commission shall be postponed until the newly  
7 appointed commission holds its first organizational meeting  
8 properly noticed under section 46.13. The newly appointed  
9 commission may choose to extend its nomination process or  
10 conduct a new nomination process. In any such pending vacancy,  
11 notwithstanding section 46.14, subsection 1, the commission  
12 must certify to the governor and the chief justice the proper  
13 number of nominees within sixty days of the effective date of  
14 this Act.

15 Sec. 5. Section 46.3, Code 2019, is amended to read as  
16 follows:

17 46.3 Appointment of district judicial nominating  
18 commissioners by the governor.

19 1. The governor shall appoint five eligible electors of each  
20 judicial election district to the district judicial nominating  
21 commission.

22 2. The appointments made by the governor shall be to  
23 staggered terms of six years each and shall be made in  
24 the month of January for terms commencing February 1 of  
25 ~~even-numbered~~ odd-numbered years.

26 3. No more than a simple majority of the commissioners  
27 appointed by the governor shall be of the same gender.

28 4. All commissioners shall be chosen without reference to  
29 political affiliation.

30 ~~4. 5. Beginning with terms commencing February 1, 2012,~~  
31 ~~there~~ There shall not be more than one appointed commissioner  
32 from a county within a judicial election district unless  
33 each county within the judicial election district has an  
34 appointed or elected commissioner or the number of appointed  
35 commissioners exceeds the number of counties within the

1 judicial election district. This subsection shall not be used  
2 to remove an appointed commissioner from office prior to the  
3 expiration of the commissioner's term.

4 6. No person may be appointed who holds an office of  
5 profit of the United States or of the state at the time of  
6 appointment.

7 Sec. 6. NEW SECTION. 46.3A Appointment of district judicial  
8 nominating commissioner by supreme court.

9 1. The supreme court, by majority vote, shall appoint one  
10 eligible elector of each judicial election district to the  
11 district judicial nominating commission.

12 2. The appointments made by the supreme court shall be for  
13 terms of six years and shall be made in the month of January for  
14 terms commencing February 1 of odd-numbered years.

15 3. The commissioners shall be chosen without reference to  
16 political affiliation.

17 4. The supreme court shall give due consideration to area  
18 representation on the commission when making an appointment.

19 5. A person appointed to replace a commissioner in the  
20 middle of a term must be of the same gender as the commissioner  
21 being replaced. A person appointed to replace a commissioner  
22 upon the end of a term shall be of a different gender than the  
23 commissioner being replaced.

24 6. A commissioner who has served a full six-year term  
25 on the district judicial nominating commission, whether the  
26 commissioner was appointed or elected, shall be ineligible to  
27 be appointed to a second six-year term.

28 7. No person may be appointed who holds an office of  
29 profit of the United States or of the state at the time of  
30 appointment.

31 Sec. 7. Section 46.4, Code 2019, is amended by adding the  
32 following new subsections:

33 NEW SUBSECTION. 3. A commissioner who has served a full  
34 six-year term on the district judicial nominating commission,  
35 whether the commissioner was appointed or elected, shall be



1 ineligible to be elected to a second six-year term.

2 NEW SUBSECTION. 4. No person may be elected who holds an  
3 office of profit of the United States or of the state at the  
4 time of appointment.

5 Sec. 8. NEW SECTION. 46.4A Special appointment of district  
6 judicial nominating commissioners.

7 1. The initial term of the commissioners appointed by the  
8 supreme court shall be as follows:

9 a. In judicial election districts 1A, 2A, 3A, 5A, 5C, 8A,  
10 and the seventh judicial district, the supreme court shall  
11 appoint one male commissioner with a term expiring on January  
12 31, 2021.

13 b. In judicial election district 1B, 2B, 3B, 5B, 8B, and the  
14 fourth and sixth judicial districts, the supreme court shall  
15 appoint one female commissioner with a term expiring on January  
16 31, 2025.

17 2. After the initial term is served pursuant to subsection  
18 1, new commissioners shall be appointed to six-year terms by  
19 the supreme court as provided in section 46.3A.

20 3. If a district judicial nominating commission has  
21 received notice of a vacancy and has not yet submitted nominees  
22 to the governor prior to the effective date of this Act, any  
23 scheduled meeting of the commission shall be postponed until  
24 any new commissioner is appointed pursuant to this section and  
25 the commission holds a new organizational meeting properly  
26 noticed under section 46.13. The commission may choose to  
27 continue with its currently scheduled nomination process,  
28 extend its nomination process, or conduct a new nomination  
29 process. In any such pending vacancy, notwithstanding section  
30 46.14, subsection 1, the commission must certify to the  
31 governor and the chief justice the proper number of nominees  
32 within sixty days of the effective date of this Act.

33 Sec. 9. Section 46.5, Code 2019, is amended to read as  
34 follows:

35 46.5 Vacancies.

1     1. When a vacancy occurs in the office of an appointive  
2 judicial nominating commissioner, the chairperson of  
3 the particular commission or the governor shall promptly  
4 notify the ~~governor~~ appointing authority in writing of such  
5 fact. Vacancies in the office of an appointive judicial  
6 nominating commissioner shall be filled by appointment by  
7 the ~~governor~~ same appointing authority that appointed the  
8 previous commissioner where the vacancy occurred, consistent  
9 with eligibility requirements. ~~The term of state judicial~~  
10 ~~nominating commissioners so appointed shall commence upon~~  
11 ~~their appointment pending confirmation by the senate at the~~  
12 ~~then session of the general assembly or at its next session~~  
13 ~~if it is not then in session.~~ The term of district judicial  
14 nominating commissioners so appointed shall commence upon their  
15 appointment.

16     2. ~~Except where the term has less than ninety days~~  
17 ~~remaining, vacancies in the office of elective member of the~~  
18 ~~state judicial nominating commission shall be filled consistent~~  
19 ~~with eligibility requirements by a special election within the~~  
20 ~~congressional district where the vacancy occurs, such election~~  
21 ~~to be conducted as provided in sections 46.9 and 46.10.~~ An  
22 appointive commissioner shall be deemed to have submitted a  
23 resignation if the commissioner fails to attend a meeting of  
24 the commission that is properly noticed under section 46.13  
25 and at which the commission conducts interviews or selects  
26 nominees for judicial office. The appointing authority of  
27 the commissioner in the appointing authority's discretion may  
28 accept or reject the resignation. If the appointing authority  
29 accepts the resignation, the appointing authority shall notify  
30 the commissioner and the chairperson of the commission in  
31 writing and shall then make another appointment.

32     3. Vacancies in the office of elective district judicial  
33 nominating commissioner ~~of district judicial nominating~~  
34 ~~commissions~~ shall be filled consistent with eligibility  
35 requirements ~~and by majority vote of the authorized number of~~

1 ~~elective members of the particular commission, at a meeting of~~  
 2 ~~such members called in the manner provided in section 46.13.~~  
 3 ~~The term of judicial nominating commissioners so chosen shall~~  
 4 ~~commence upon their selection by a special election within the~~  
 5 ~~judicial election district where the vacancy occurs unless the~~  
 6 ~~term has less than ninety days remaining, in which case the~~  
 7 ~~office shall remain vacant. The special election shall be~~  
 8 ~~completed within ninety days of the vacancy arising and shall~~  
 9 ~~be conducted as provided in sections 46.9, 46.9A, and 46.10.~~

10 4. If a vacancy occurs in the office of chairperson of  
 11 a judicial nominating commission, ~~or in the members of the~~  
 12 particular commission shall elect a new chairperson as provided  
 13 in section 46.6. In the absence of the chairperson, the  
 14 members of the particular commission shall elect a temporary  
 15 chairperson from their own number.

16 5. ~~When a vacancy in an office of an elective judicial~~  
 17 ~~nominating commissioner occurs, the state court administrator~~  
 18 ~~shall cause to be mailed to each member of the bar whose name~~  
 19 ~~appears on the certified list prepared pursuant to section 46.8~~  
 20 ~~for the district or districts affected, a notice stating the~~  
 21 ~~existence of the vacancy, the requirements for eligibility,~~  
 22 ~~and the manner in which the vacancy will be filled. Other~~  
 23 ~~items may be included in the same mailing if they are on sheets~~  
 24 ~~separate from the notice. The election of a district judicial~~  
 25 ~~nominating commissioner or the close of nominations for a state~~  
 26 ~~judicial nominating commissioner shall not occur until thirty~~  
 27 ~~days after the mailing of the notice. Notwithstanding section~~  
 28 69.1A, appointed and elected commissioners on the state and  
 29 district judicial nominating commissions shall not hold over  
 30 until their successor is elected and qualified.

31 Sec. 10. Section 46.6, Code 2019, is amended to read as  
 32 follows:

33 46.6 Equal seniority Chairperson.

34 ~~If the judges of longest service, other than the chief~~  
 35 ~~justice, of the supreme court or of the district court in~~

1 ~~a district are of equal service, the eldest of such judges~~  
2 ~~shall be chairperson of the particular judicial nominating~~  
3 ~~commission. The commissioners of a particular judicial~~  
4 nominating commission shall elect a chairperson from their  
5 own number. The chairperson shall serve a two-year term that  
6 expires on January 31 of odd-numbered years. A commissioner  
7 may be reelected for a second or third term as chairperson.  
8 If a chairperson of a judicial nominating commission desires  
9 to be relieved of the duties of chairperson while retaining  
10 the status of commissioner, the chairperson shall notify the  
11 governor and the other commissioners of the commission. At the  
12 next meeting of the commission, the commissioners shall elect a  
13 new chairperson for the remainder of the two-year term.

14 Sec. 11. Section 46.7, Code 2019, is amended to read as  
15 follows:

16 46.7 Eligibility to vote.

17 To be eligible to vote in elections of district judicial  
18 nominating commissioners, a member of the bar must be eligible  
19 to practice and must be a resident of the state of Iowa and of  
20 the appropriate ~~congressional district or~~ judicial election  
21 ~~district as shown by the member's most recent filing with the~~  
22 ~~supreme court for the purposes of showing compliance with~~  
23 ~~the court's continuing legal education requirements, or for~~  
24 ~~members of the bar eligible to practice who are not required~~  
25 ~~to file such compliance, any paper on file by July 1 with the~~  
26 ~~state court administrator, for the purpose of establishing~~  
27 ~~eligibility to vote under this section, which the court~~  
28 ~~determines to show the requisite residency requirements at the~~  
29 time the member votes in the election. The member's residency  
30 shall be determined by the home address shown on the member's  
31 most recent electronic or paper submission to the commission  
32 on continuing education and the client security commission or  
33 on the member's bar admission records. A judge who has been  
34 admitted to the bar of the state of Iowa shall be considered a  
35 member of the bar.

1     Sec. 12. Section 46.8, Code 2019, is amended to read as  
2 follows:

3     **46.8 Certified list.**

4     ~~Each year the~~ The state court administrator shall ~~certify a~~  
5 maintain a certified list of the names, addresses, and years  
6 of admission of members of the bar who are eligible to vote for  
7 ~~state and~~ district judicial nominating commissioners.

8     Sec. 13. Section 46.9, Code 2019, is amended to read as  
9 follows:

10    **46.9 Conduct of elections.**

11    When an election of judicial nominating commissioners is  
12 to be held, the state court administrator shall administer  
13 the voting. The state court administrator may administer  
14 the voting by electronic notification and voting or by paper  
15 ballot mailed to each eligible attorney. The state court  
16 administrator shall mail paper ballots to eligible attorneys or  
17 electronically notify and enable eligible attorneys to vote.  
18 The elector receiving the most votes shall be elected. When  
19 more than one commissioner is to be elected, the electors  
20 receiving the most votes shall be elected, in the same number  
21 as the offices to be filled. The election results, including  
22 the number of votes cast for each elector and the total number  
23 of members of the bar eligible to vote in each election, shall  
24 be made publicly available on the judicial branch internet  
25 site and shall be reported to the governor and to the general  
26 assembly within ten days after the conclusion of the election.

27    Sec. 14. Section 46.9A, Code 2019, is amended to read as  
28 follows:

29    **46.9A Notice preceding nomination of elective district**  
30 **judicial nominating commissioners.**

31    At least sixty days prior to the expiration of the term of an  
32 elective ~~state or~~ district judicial nominating commissioner or  
33 the expiration of the period within which a special election  
34 must be held, the state court administrator shall ~~mail paper~~  
35 ~~ballots to eligible attorneys or electronically notify and~~

1 ~~enable eligible attorneys to vote. An eligible attorney is~~  
 2 ~~a member of the bar whose name appears on the certified list~~  
 3 ~~prepared pursuant to section 46.8 for the district or districts~~  
 4 ~~affected~~ provide notice of the current or upcoming vacancy  
 5 and the nomination and election process by making the notice  
 6 publicly available on the judicial branch internet site,  
 7 issuing a press release, and electronically notifying members  
 8 of the bar. The election shall not commence until at least  
 9 thirty days after the issuance of the notice required by this  
 10 section.

11 Sec. 15. Section 46.10, Code 2019, is amended to read as  
 12 follows:

13 46.10 Nomination of elective district judicial nominating  
 14 commissioners.

15 1. In order to have an eligible elector's name printed  
 16 on the ballot for ~~state or~~ district judicial nominating  
 17 commissioner, the eligible elector must file in the office of  
 18 the state court administrator at least thirty days prior to  
 19 expiration of the period within which the election must be  
 20 held a nominating petition signed by ~~at least fifty resident~~  
 21 ~~members of the bar of the congressional district in case of a~~  
 22 ~~candidate for state judicial nominating commissioner, or at~~  
 23 ~~least ten resident members of the bar~~ eligible electors of the  
 24 ~~judicial district in case of a candidate for district judicial~~  
 25 ~~nominating commissioner. No member of the bar may sign more~~  
 26 ~~nominating petitions for state or district judicial nominating~~  
 27 ~~commissioner than there are such commissioners to be elected.~~  
 28 2. Ballots or electronic voting forms for state and district  
 29 judicial nominating commissioners shall contain blank lines  
 30 equal to the number of such commissioners to be elected, where  
 31 names may be written in. Any electronic voting form must  
 32 permit a voter to write in the name of any eligible elector.

33 Sec. 16. Section 46.11, Code 2019, is amended to read as  
 34 follows:

35 46.11 Certification of commissioners.

1     ~~The~~ Upon making an appointment, the governor and the  
 2 ~~state court administrator respectively, the supreme court,~~  
 3 ~~or legislative leader shall promptly~~ certify the names and  
 4 ~~addresses of appointive and elective judicial nominating~~  
 5 ~~commissioners to the state commissioner of elections and~~  
 6 ~~the chairperson of the respective nominating commissions~~  
 7 governor. Upon the completion of an election, the state  
 8 court administrator shall certify the names and addresses of  
 9 the elected judicial nominating commissioners to the state  
 10 commissioner of elections and the governor.

11     Sec. 17. Section 46.12, subsection 1, Code 2019, is amended  
 12 to read as follows:

13     1. When a vacancy occurs or will occur within one hundred  
 14 twenty days in the supreme court, the court of appeals, or  
 15 district court, the state commissioner of elections shall  
 16 forthwith so notify the ~~chairperson of the proper judicial~~  
 17 ~~nominating commission~~ governor. The ~~chairperson~~ governor shall  
 18 call a meeting of the proper judicial nominating commission  
 19 within ten days after such notice; if the ~~chairperson~~ governor  
 20 fails to do so, the chief justice shall call such meeting.

21     Sec. 18. Section 46.13, Code 2019, is amended to read as  
 22 follows:

23     46.13 Notice of meetings and application process.

24     1. The governor or chairperson of each judicial nominating  
 25 commission shall give the members of the commission at least  
 26 five days' written notice by mail or electronic mail of the  
 27 time and place of every meeting, except as to members who  
 28 execute written waivers of notice at or before the meeting or  
 29 unless the commission at its next previous meeting designated  
 30 the time and place of the meeting.

31     2. Each commission, with the technical support of the  
 32 judicial branch, shall publish all of the following on the  
 33 judicial branch website:

34     a. Notice that the commission is accepting applications  
 35 for judge or justice along with a copy of the application form

1 at least two weeks before applications are required to be  
2 submitted to the commission.

3 b. Copies of nonconfidential application materials submitted  
4 by applicants.

5 c. The schedule of applicant interviews before the  
6 commission.

7 d. The list of nominees submitted by the commission to the  
8 governor and the chief justice.

9 3. Commissioners shall be permitted to conduct individual  
10 interviews with applicants in advance of the commission's  
11 meetings to choose the nominees.

12 4. The state judicial nominating commission shall adopt  
13 uniform rules for the state and district judicial nominating  
14 commissions that shall be consistent with this chapter  
15 and shall provide for a uniform and fair process for the  
16 commissions to consider applicants and select nominees. The  
17 state judicial nominating commission shall provide for a public  
18 comment period of at least thirty days on its proposed uniform  
19 rules prior to adopting the rules and shall adopt the rules  
20 within six months of the effective date of this Act. Such  
21 rules shall be made publicly available on the judicial branch  
22 internet site.

23 Sec. 19. Section 46.14, subsection 1, Code 2019, is amended  
24 to read as follows:

25 1. Each judicial nominating commission shall carefully  
26 consider the individuals available for judge, and within sixty  
27 days after receiving notice of a vacancy shall certify to the  
28 governor and the chief justice the proper number of nominees,  
29 in alphabetical order. Such nominees shall be chosen by the  
30 affirmative vote of a majority of the full statutory number  
31 of commissioners upon the basis of their qualifications and  
32 without regard to political affiliation. Nominees shall be  
33 members of the bar of Iowa, shall be residents of the state or  
34 district of the court to which they are nominated, and shall  
35 be of such age that they will be able to serve an initial and



1 one regular term of office to which they are nominated before  
 2 reaching the age of seventy-two years. ~~Nominees for district~~  
 3 ~~judge shall file a certified application form, to be provided~~  
 4 ~~by the supreme court, with the chairperson of the district~~  
 5 ~~judicial nominating commission.~~ Nominees to the district court  
 6 must reside in the judicial election district to which they  
 7 are nominated or in another judicial election district in the  
 8 same judicial district as the judicial election district to  
 9 which they are nominated. Absence of a commissioner or vacancy  
 10 upon the commission shall not invalidate a nomination. The  
 11 chairperson of the commission shall promptly certify the names  
 12 of the nominees, in alphabetical order, to the governor and the  
 13 chief justice by sending by electronic mail the certification  
 14 to the governor and chief justice or their designees on the day  
 15 of nomination.

16 Sec. 20. Section 46.14A, Code 2019, is amended to read as  
 17 follows:

18 46.14A Court of appeals — nominees.

19 Vacancies in the court of appeals shall be filled by  
 20 appointment by the governor from a list of nominees submitted  
 21 by the state judicial nominating commission. ~~Three~~ Five  
 22 nominees shall be submitted for each vacancy. Nominees to the  
 23 court of appeals shall have the qualifications prescribed for  
 24 nominees to the supreme court.

25 Sec. 21. Section 602.6201, subsection 2, Code 2019, is  
 26 amended to read as follows:

27 2. A district judge must be a resident of the judicial  
 28 election district in which appointed ~~and retained~~ before  
 29 assuming office and during the entire term of office. Subject  
 30 to the provision for reassignment of judges under section  
 31 602.6108, a district judge shall serve in the district of the  
 32 judge's residence while in office, regardless of the number of  
 33 judgeships to which the district is entitled under the formula  
 34 prescribed by the supreme court in subsection 3.

35 Sec. 22. NEW SECTION. 46.15A Severability and judicial

1 review.

2 1. If any provision or clause of this chapter or any  
3 application of this chapter to any person or circumstances  
4 is held invalid, such invalidity shall not affect other  
5 provisions, clauses, or applications of this chapter which can  
6 be given effect without the invalid provision or application,  
7 and to this end the provisions and clauses of this chapter are  
8 declared to be severable.

9 2. Notwithstanding any provision of law to the contrary, if  
10 section 46.2A, subsection 2, as amended by this Act, is held  
11 invalid, the appointed and elected commissioners currently  
12 serving six-year terms on the state judicial nominating  
13 commission on the effective date of this Act shall continue to  
14 serve until the expiration of their six-year terms, in addition  
15 to the new members appointed pursuant to section 46.2A, as  
16 amended by this Act. Upon the expiration of the currently  
17 serving commissioners or upon their office becoming vacant  
18 prior to the expiration of their terms, the offices shall not  
19 be filled.

20 3. Notwithstanding any provision of law to the contrary,  
21 if any provision of this chapter is preliminarily enjoined,  
22 no judicial nominating commission shall meet to nominate  
23 persons to serve as a judge or justice while the preliminary  
24 injunction is in effect or while any appeal of the preliminary  
25 injunction or a related permanent injunction is pending unless  
26 the injunction is subsequently stayed or otherwise lifted.

27 Sec. 23. REPEAL. Section 602.11111, Code 2019, is repealed.

28 Sec. 24. EFFECTIVE UPON ENACTMENT. This division of this  
29 Act, being deemed of immediate importance, takes effect upon  
30 enactment.

## 31 DIVISION II

### 32 ASSOCIATE JUDGE SELECTION

33 Sec. 25. Section 602.2301, subsection 2, Code 2019, is  
34 amended to read as follows:

35 2. Notwithstanding sections 602.6304, 602.7103B, and

1 633.20B, the chief justice may order any ~~county magistrate~~  
 2 ~~appointing commission~~ the state commissioner of elections  
 3 to delay, for budgetary reasons, ~~publicizing the notice the~~  
 4 sending of a notification to the governor that a vacancy in  
 5 the office of a vacancy for a district associate judgeship  
 6 judge, associate juvenile judgeship judge, or associate probate  
 7 judgeship judge has occurred or will occur.

8 Sec. 26. Section 602.6302, subsection 2, Code 2019, is  
 9 amended to read as follows:

10 2. An order of substitution shall not take effect unless  
 11 a copy of the order is received by the chairperson of the  
 12 county magistrate appointing commission or commissions and  
 13 the governor no later than May 31 of the year in which the  
 14 substitution is to take effect. A copy of the order shall also  
 15 be sent to the state court administrator.

16 Sec. 27. Section 602.6303, subsection 2, Code 2019, is  
 17 amended to read as follows:

18 2. An order of substitution shall not take effect unless  
 19 a copy of the order is received by the chairperson of the  
 20 county magistrate appointing commission or commissions and  
 21 the governor no later than May 31 of the year in which the  
 22 substitution is to take effect. The order shall designate the  
 23 county of appointment for each magistrate. A copy of the order  
 24 shall also be sent to the state court administrator.

25 Sec. 28. Section 602.6304, Code 2019, is amended to read as  
 26 follows:

27 **602.6304 Appointment and resignation of district associate**  
 28 **judges.**

29 1. The district associate judges authorized by sections  
 30 602.6301 and 602.6302 shall be appointed by the ~~district~~  
 31 ~~judges of the judicial election district governor~~ from persons  
 32 nominated by the ~~county magistrate appointing district judicial~~  
 33 nominating commission in the same manner as district judges  
 34 under chapter 46. In the case of a district associate judge  
 35 to be appointed to more than one county, the appointment

~~1 shall be from persons nominated by the county magistrate  
2 appointing commissions acting jointly and in the case of a  
3 district associate judge to be appointed to more than one  
4 judicial election district of the same judicial district, the  
5 appointment shall be by a majority of the district judges in  
6 each judicial election district.~~

~~7 2. In November of any year in which an impending vacancy is  
8 created because a district associate judge is not retained in  
9 office pursuant to a judicial election, the county magistrate  
10 appointing commission shall publicize notice of the vacancy in  
11 at least two publications in the official county newspaper.  
12 The commission shall accept applications for consideration  
13 for nomination as district associate judge for a minimum of  
14 fifteen days prior to certifying nominations. The commission  
15 shall consider the applications and shall, by majority vote,  
16 certify to the chief judge of the judicial district not later  
17 than December 15 of that year the names of three applicants  
18 who are nominated by the commission for the vacancy. If there  
19 are three or fewer applicants the commission shall certify all  
20 applicants who meet the statutory qualifications. Nominees  
21 shall be chosen solely on the basis of the qualifications  
22 of the applicants, and political affiliation shall not be  
23 considered.~~

~~24 3. Within thirty days after a county magistrate appointing  
25 commission receives notification of an actual or impending  
26 vacancy in the office of district associate judge, other than  
27 a vacancy referred to in subsection 2, the commission shall  
28 certify to the chief judge of the judicial district the names  
29 of three applicants who are nominated by the commission for  
30 the vacancy. The commission shall publicize notice of the  
31 vacancy in at least two publications in the official county  
32 newspaper. The commission shall accept applications for  
33 consideration for nomination as district associate judge for  
34 a minimum of fifteen days prior to certifying nominations.  
35 The commission shall consider the applications and shall, by~~

1 majority vote, certify to the chief judge of the judicial  
2 district the names of three applicants who are nominated by  
3 the commission for the vacancy. If there are three or fewer  
4 applicants the commission shall certify all applicants who  
5 meet the statutory qualifications. Nominees shall be chosen  
6 solely on the basis of the qualifications of the applicants,  
7 and political affiliation shall not be considered. As used in  
8 this subsection, a vacancy is created by the death, retirement,  
9 resignation, or removal of a district associate judge, or by an  
10 increase in the number of positions authorized.

11 ~~4. Within fifteen days after the chief judge of a judicial~~  
12 ~~district has received the list of nominees to fill a vacancy in~~  
13 ~~the office of district associate judge, the district judges in~~  
14 ~~the judicial election district shall, by majority vote, appoint~~  
15 ~~one of those nominees to fill the vacancy.~~

16 5. 2. A district associate judge who seeks to resign  
17 from the office of district associate judge shall notify in  
18 writing the governor, the chief judge of the judicial district,  
19 and the state commissioner of elections as to the district  
20 associate judge's intention to resign and the effective date  
21 of the resignation. ~~The chief judge of the judicial district,~~  
22 ~~upon receipt of the notice, shall notify the county magistrate~~  
23 ~~appointing commission and the state court administrator of the~~  
24 ~~actual or impending vacancy in the office of district associate~~  
25 ~~judge due to resignation.~~

26 ~~6. The supreme court may prescribe rules of procedure~~  
27 ~~to be used by county magistrate appointing commissions when~~  
28 ~~exercising the duties specified in this section.~~

29 3. When a vacancy occurs or will occur within one hundred  
30 twenty days in the office of district associate judge, the  
31 state commissioner of elections shall forthwith so notify the  
32 governor. The governor shall call a meeting of the commission  
33 within ten days after such notice. If the governor fails to do  
34 so, the chief justice shall call such meeting.

35 Sec. 29. Section 602.6305, subsections 2 and 3, Code 2019,

1 are amended to read as follows:

2 2. A person does not qualify for appointment to the office  
 3 of district associate judge unless the person is at the time  
 4 of appointment ~~a resident of the judicial election district in~~  
 5 ~~which the vacancy exists,~~ licensed to practice law in Iowa,  
 6 and will be able, measured by the person's age at the time of  
 7 appointment, to complete the initial term of office prior to  
 8 reaching age seventy-two. ~~An applicant for district associate~~  
 9 ~~judge shall file a certified application form, to be provided~~  
 10 ~~by the supreme court, with the chairperson of the county~~  
 11 ~~magistrate appointing commission.~~ Nominees to the office of  
 12 district associate judge must reside in the judicial election  
 13 district to which they are nominated or in another judicial  
 14 election district in the same judicial district as the judicial  
 15 election district to which they are nominated.

16 3. A district associate judge must be a resident of the  
 17 judicial election district in which the office is held before  
 18 assuming office and during the entire term of office. A  
 19 district associate judge shall serve within the judicial  
 20 district in which appointed, as directed by the chief judge,  
 21 and is subject to reassignment under section 602.6108.

22 Sec. 30. Section 602.6502, Code 2019, is amended to read as  
 23 follows:

24 **602.6502 Prohibitions to appointment.**

25 A member of a county magistrate appointing commission  
 26 shall not be appointed to the office of magistrate, ~~and shall~~  
 27 ~~not be nominated for or appointed to the office of district~~  
 28 ~~associate judge, office of associate juvenile judge, or office~~  
 29 ~~of associate probate judge.~~ A member of the commission shall  
 30 not be eligible to vote for the appointment or nomination of  
 31 a family member, current law partner, or current business  
 32 partner. For purposes of this section, "*family member*"  
 33 means a spouse, son, daughter, brother, sister, uncle, aunt,  
 34 first cousin, nephew, niece, father-in-law, mother-in-law,  
 35 son-in-law, daughter-in-law, brother-in-law, sister-in-law,

1 father, mother, stepfather, stepmother, stepson, stepdaughter,  
2 stepbrother, stepsister, half brother, or half sister.

3 Sec. 31. Section 602.7103B, Code 2019, is amended to read  
4 as follows:

5 602.7103B Appointment and resignation of full-time associate  
6 juvenile judges.

7 1. Full-time associate juvenile judges shall be appointed  
8 by the ~~district judges of the judicial election district~~  
9 governor from persons nominated by the ~~county magistrate~~  
10 appointing district judicial nominating commission in the same  
11 manner as district judges under chapter 46. ~~In the case of a~~  
12 ~~full-time associate juvenile judge to be appointed to more than~~  
13 ~~one county, the appointment shall be from persons nominated by~~  
14 ~~the county magistrate appointing commissions acting jointly~~  
15 ~~and in the case of a full-time associate juvenile judge to be~~  
16 ~~appointed to more than one judicial election district of the~~  
17 ~~same judicial district, the appointment shall be by a majority~~  
18 ~~of the district judges in each judicial election district.~~

19 2. ~~In November of any year in which an impending vacancy~~  
20 ~~is created because a full-time associate juvenile judge is~~  
21 ~~not retained in office pursuant to a judicial election, the~~  
22 ~~county magistrate appointing commission shall publicize notice~~  
23 ~~of the vacancy in at least two publications in the official~~  
24 ~~county newspaper. The commission shall accept applications for~~  
25 ~~consideration for nomination as full-time associate juvenile~~  
26 ~~judge for a minimum of fifteen days prior to certifying~~  
27 ~~nominations. The commission shall consider the applications~~  
28 ~~and shall, by majority vote, certify to the chief judge of the~~  
29 ~~judicial district not later than December 15 of that year the~~  
30 ~~names of three applicants who are nominated by the commission~~  
31 ~~for the vacancy. If there are three or fewer applicants, the~~  
32 ~~commission shall certify all applicants who meet the statutory~~  
33 ~~qualifications. Nominees shall be chosen solely on the~~  
34 ~~basis of the qualifications of the applicants, and political~~  
35 ~~affiliation shall not be considered.~~

1     ~~3. Within thirty days after a county magistrate appointing~~  
2 ~~commission receives notification of an actual or impending~~  
3 ~~vacancy in the office of full-time associate juvenile~~  
4 ~~judge, other than a vacancy referred to in subsection 2, the~~  
5 ~~commission shall certify to the chief judge of the judicial~~  
6 ~~district the names of three applicants who are nominated~~  
7 ~~by the commission for the vacancy. The commission shall~~  
8 ~~publicize notice of the vacancy in at least two publications~~  
9 ~~in the official county newspaper. The commission shall accept~~  
10 ~~applications for consideration for nomination as full-time~~  
11 ~~associate juvenile judge for a minimum of fifteen days prior~~  
12 ~~to certifying nominations. The commission shall consider the~~  
13 ~~applications and shall, by majority vote, certify to the chief~~  
14 ~~judge of the judicial district the names of three applicants~~  
15 ~~who are nominated by the commission for the vacancy. If there~~  
16 ~~are three or fewer applicants, the commission shall certify all~~  
17 ~~applicants who meet the statutory qualifications. Nominees~~  
18 ~~shall be chosen solely on the basis of the qualifications~~  
19 ~~of the applicants, and political affiliation shall not be~~  
20 ~~considered. As used in this subsection, a vacancy is created~~  
21 ~~by the death, retirement, resignation, or removal of a~~  
22 ~~full-time associate juvenile judge, or by an increase in the~~  
23 ~~number of positions authorized.~~

24     ~~4. Within fifteen days after the chief judge of a judicial~~  
25 ~~district has received the list of nominees to fill a vacancy in~~  
26 ~~the office of full-time associate juvenile judge, the district~~  
27 ~~judges in the judicial election district shall, by majority~~  
28 ~~vote, appoint one of those nominees to fill the vacancy.~~

29     ~~5.~~ 2. A full-time associate juvenile judge who seeks to  
30 resign from the office of full-time associate juvenile judge  
31 shall notify in writing the governor, the chief judge of the  
32 judicial district, and the state commissioner of elections as  
33 to the full-time associate juvenile judge's intention to resign  
34 and the effective date of the resignation. ~~The chief judge of~~  
35 ~~the judicial district, upon receipt of the notice, shall notify~~



1 ~~the county magistrate appointing commission and the state court~~  
 2 ~~administrator of the actual or impending vacancy in the office~~  
 3 ~~of full-time associate juvenile judge due to resignation.~~

4 ~~6. The supreme court may prescribe rules of procedure~~  
 5 ~~to be used by county magistrate appointing commissions when~~  
 6 ~~exercising the duties specified in this section.~~

7 3. When a vacancy occurs or will occur within one hundred  
 8 twenty days in the office of full-time associate juvenile  
 9 judge, the state commissioner of elections shall forthwith so  
 10 notify the governor. The governor shall call a meeting of the  
 11 commission within ten days after such notice. If the governor  
 12 fails to do so, the chief justice shall call such meeting.

13 Sec. 32. Section 602.7103C, subsections 2 and 3, Code 2019,  
 14 are amended to read as follows:

15 2. A person does not qualify for appointment to the office  
 16 of full-time associate juvenile judge unless the person is at  
 17 the time of appointment ~~a resident of the county in which the~~  
 18 ~~vacancy exists,~~ licensed to practice law in Iowa, and will be  
 19 able, measured by the person's age at the time of appointment,  
 20 to complete the initial term of office prior to reaching age  
 21 seventy-two. ~~An applicant for full-time associate juvenile~~  
 22 ~~judge shall file a certified application form, to be provided~~  
 23 ~~by the supreme court, with the chairperson of the county~~  
 24 ~~magistrate appointing commission.~~ Nominees to the office of  
 25 full-time associate juvenile judge must reside in the judicial  
 26 election district to which they are nominated or in another  
 27 judicial election district in the same judicial district as the  
 28 judicial election district to which they are nominated.

29 3. A full-time associate juvenile judge must be a resident  
 30 of ~~a county~~ the judicial election district in which the office  
 31 is held before assuming office and during the entire term of  
 32 office. A full-time associate juvenile judge shall serve  
 33 within the judicial district in which appointed, as directed by  
 34 the chief judge, and is subject to reassignment under section  
 35 602.6108.

1     Sec. 33. Section 633.20B, Code 2019, is amended to read as  
2 follows:

3     633.20B Appointment and resignation of full-time associate  
4 probate judges.

5     1. Full-time associate probate judges shall be appointed by  
6 ~~the district judges of the judicial election district governor~~  
7 from persons nominated by the ~~county magistrate appointing~~  
8 district judicial nominating commission in the same manner as  
9 district judges under chapter 46. ~~In the case of a full-time~~  
10 ~~associate probate judge to be appointed to more than one~~  
11 ~~county, the appointment shall be from persons nominated by~~  
12 ~~the county magistrate appointing commissions acting jointly~~  
13 ~~and in the case of a full-time associate probate judge to be~~  
14 ~~appointed to more than one judicial election district of the~~  
15 ~~same judicial district, the appointment shall be by a majority~~  
16 ~~of the district judges in each judicial election district.~~

17     2. ~~In November of any year in which an impending vacancy~~  
18 ~~is created because a full-time associate probate judge is~~  
19 ~~not retained in office pursuant to a judicial election, the~~  
20 ~~county magistrate appointing commission shall publicize notice~~  
21 ~~of the vacancy in at least two publications in the official~~  
22 ~~county newspaper. The commission shall accept applications~~  
23 ~~for consideration for nomination as full-time associate~~  
24 ~~probate judge for a minimum of fifteen days prior to certifying~~  
25 ~~nominations. The commission shall consider the applications~~  
26 ~~and shall, by majority vote, certify to the chief judge of the~~  
27 ~~judicial district not later than December 15 of that year the~~  
28 ~~names of three applicants who are nominated by the commission~~  
29 ~~for the vacancy. If there are three or fewer applicants, the~~  
30 ~~commission shall certify all applicants who meet the statutory~~  
31 ~~qualifications. Nominees shall be chosen solely on the~~  
32 ~~basis of the qualifications of the applicants, and political~~  
33 ~~affiliation shall not be considered.~~

34     3. ~~Within thirty days after a county magistrate appointing~~  
35 ~~commission receives notification of an actual or impending~~

1 ~~vacancy in the office of full-time associate probate judge,~~  
2 ~~other than a vacancy referred to in subsection 2, the~~  
3 ~~commission shall certify to the chief judge of the judicial~~  
4 ~~district the names of three applicants who are nominated~~  
5 ~~by the commission for the vacancy. The commission shall~~  
6 ~~publicize notice of the vacancy in at least two publications~~  
7 ~~in the official county newspaper. The commission shall accept~~  
8 ~~applications for consideration for nomination as full-time~~  
9 ~~associate probate judge for a minimum of fifteen days prior~~  
10 ~~to certifying nominations. The commission shall consider the~~  
11 ~~applications and shall, by majority vote, certify to the chief~~  
12 ~~judge of the judicial district the names of three applicants~~  
13 ~~who are nominated by the commission for the vacancy. If there~~  
14 ~~are three or fewer applicants, the commission shall certify all~~  
15 ~~applicants who meet the statutory qualifications. Nominees~~  
16 ~~shall be chosen solely on the basis of the qualifications~~  
17 ~~of the applicants, and political affiliation shall not be~~  
18 ~~considered. As used in this subsection, a vacancy is created~~  
19 ~~by the death, retirement, resignation, or removal of a~~  
20 ~~full-time associate probate judge, or by an increase in the~~  
21 ~~number of positions authorized.~~

22 ~~4. Within fifteen days after the chief judge of a judicial~~  
23 ~~district has received the list of nominees to fill a vacancy in~~  
24 ~~the office of full-time associate probate judge, the district~~  
25 ~~judges in the judicial election district shall, by majority~~  
26 ~~vote, appoint one of those nominees to fill the vacancy.~~

27 ~~5. 2. A full-time associate probate judge who seeks to~~  
28 ~~resign from the office of full-time associate probate judge~~  
29 ~~shall notify in writing the governor, the chief judge of the~~  
30 ~~judicial district, and the state commissioner of elections as~~  
31 ~~to the full-time associate probate judge's intention to resign~~  
32 ~~and the effective date of the resignation. The chief judge of~~  
33 ~~the judicial district, upon receipt of the notice, shall notify~~  
34 ~~the county magistrate appointing commission and the state court~~  
35 ~~administrator of the actual or impending vacancy in the office~~

1 ~~of full-time associate probate judge due to resignation.~~

2 ~~6. The supreme court may prescribe rules of procedure~~  
3 ~~to be used by county magistrate appointing commissions when~~  
4 ~~exercising the duties specified in this section.~~

5 3. When a vacancy occurs or will occur within one hundred  
6 twenty days in the office of full-time associate probate  
7 judge, the state commissioner of elections shall forthwith so  
8 notify the governor. The governor shall call a meeting of the  
9 commission within ten days after such notice. If the governor  
10 fails to do so, the chief justice shall call such meeting.

11 Sec. 34. Section 633.20C, subsections 2 and 3, Code 2019,  
12 are amended to read as follows:

13 2. A person does not qualify for appointment to the office  
14 of full-time associate probate judge unless the person is at  
15 the time of appointment a resident of the county in which the  
16 vacancy exists, licensed to practice law in Iowa, and will be  
17 able, measured by the person's age at the time of appointment,  
18 to complete the initial term of office prior to reaching age  
19 seventy-two. An applicant for full-time associate probate  
20 judge shall file a certified application form, to be provided  
21 by the supreme court, with the chairperson of the county  
22 magistrate appointing commission. Nominees to the office of  
23 full-time associate probate judge must reside in the judicial  
24 election district to which they are nominated or in another  
25 judicial election district in the same judicial district as the  
26 judicial election district to which they are nominated.

27 3. A full-time associate probate judge must be a resident  
28 of a county the judicial election district in which the office  
29 is held before assuming office and during the entire term of  
30 office. A full-time associate probate judge shall serve within  
31 the judicial district in which appointed, as directed by the  
32 chief judge, and is subject to reassignment under section  
33 602.6108.

34 Sec. 35. EFFECTIVE UPON ENACTMENT. This division of this  
35 Act, being deemed of immediate importance, takes effect upon

1 enactment.

2

DIVISION III

3

CHIEF JUSTICE SELECTION

4 Sec. 36. Section 602.4103, Code 2019, is amended to read as  
5 follows:

6 602.4103 Chief justice.

7 ~~The justices of the supreme court shall select one justice as~~  
8 ~~chief justice, to serve during that justice's term of office.~~

9 1. At the first meeting in each odd-numbered year, the  
10 justices of the supreme court by majority vote shall designate  
11 one justice as chief justice, to serve for a two-year term.  
12 A vacancy in the office of chief justice shall be filled for  
13 the remainder of the unexpired term by majority vote of the  
14 justices of the supreme court, after any vacancy on the court  
15 has been filled.

16 2. If the chief justice desires to be relieved of the duties  
17 of chief justice while retaining the status of justice of the  
18 supreme court, the chief justice shall notify the governor and  
19 the other justices of the supreme court. The office of chief  
20 justice shall be deemed vacant, and shall be filled as provided  
21 in this section.

22 3. The chief justice is eligible for reselection.

23 4. The chief justice shall appoint one of the other justices  
24 to act during the absence or inability of the chief justice  
25 to act, and when so acting the appointee has all the rights,  
26 duties, and powers of the chief justice.

27 Sec. 37. NEW SECTION. 602.4103A Transition provisions.

28 1. The term of the chief justice serving on the effective  
29 date of this Act shall expire on January 15, 2021, or upon the  
30 conclusion of the first meeting of the justices of the supreme  
31 court in January 2021, whichever occurs earlier.

32 2. If the office of chief justice becomes vacant prior to  
33 the expiration of the term in January 2021, the office shall be  
34 filled for the remainder of the unexpired term as provided for  
35 in section 602.4103.

S.F. 237

1     3.   This section is repealed July 1, 2021.